

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s):	Steve Dispensa	Confirmation No:	6255
Serial No.:	09/981,422	Examiner:	Asghar H. Bilgrami
Filing Date:	10/17/2001	Group Art Unit:	2143
Title:	PERFORMANCE MANAGEMENT SYSTEM		

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LETTER ACCOMPANYING SECOND AMENDED APPEAL BRIEF

In a Notification of Non-Compliant Appeal Brief dated May 30, 2007 (hereinafter "the Notification"), the Amended Appeal Brief filed April 20, 2007, (hereinafter "the Amended Brief") in the above-referenced matter was found defective because it "does not map independent claim(s) (31, 119 and 148) to the specification by page and line number, and to the drawing, if any, by reference characters." (See Part 4 of the Notification.)

In response, filed herewith is a Second Amended Brief that includes an amended "Summary of Claimed Subject Matter" section. The amended section now includes references to the specification and the drawings for independent claims 31, 119 and 148. These references are predominantly the same as those previously employed in the descriptions of independent claims 1, 61 and 90 of the Amended Brief due to the similarity in subject matter.

Based on the amended section, the Applicant respectfully asserts that the Second Amended Brief is in compliance with 37 C.F.R. § 41.37(c) and MPEP § 1205.02, and respectfully requests that the appeal move forward.

The Assignee believes that no fees are due with respect to the filing of the Second Amended Brief. However, should the Office determine that additional fees are necessary, the Office is hereby authorized to charge Deposit Account No. 21-0765 accordingly.

Respectfully submitted,

Date: 07/02/2007

/Kyle J. Way/

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